

THIRTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,
March 12, 1935.

The Senate met a 2 o'clock p. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Small.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Burns.	Shivers.
Fellbaum.	Stone.
Hughston.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Sulak.

Committee Reports.

(See Appendix.)

Senator Excused.

Senator Burns was excused on account of sickness on motion of Senator Pace.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, March 12, 1935.
To the members of the Forty-fourth Legislature:

On November 8, 1932, by vote of the people, a constitutional amendment was adopted authorizing a Texas Centennial, commemorating the heroic period of early Texas history and celebrating a century of our independence and progress.

In September, 1934, the Legislature created the Centennial Commission, a public board charged with carrying out the mandates of the people; and on September 11, 1934, the Democratic Party, in convention assembled at Galveston, pledged its support of the Centennial in its platform.

Due to the pressure of official duties I have not had time to prepare a message of such nature as to adequately do justice to this great project. After all, however, no stronger recommendation could be made than that contained in the constitutional amendment and in the platform of the Party.

I trust this Legislature will make adequate provision, including a reasonable appropriation, for a real Centennial celebration.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Bills and Resolutions.**S. J. R. No. 27.**

Senator Oneal sent up the following joint resolution:

By Oneal, Moore. S. J. R. No. 27.

A JOINT RESOLUTION.

Proposing an amendment to Section 11 of Article IV of the Constitution of the State of Texas, so as to provide that the Governor of the State shall have the power on the recommendation and advice of a majority of the Board of Pardons and Paroles to grant reprieves, commutations of punishment and pardons and to remit fines and forfeitures; and with the advice and consent of the Senate to grant reprieves, commutations of punishment and pardons in case of treason; and so as to provide for the Board of Pardons and Paroles, composed of three members, whose term of office shall be for a period of six years, one to be appointed by the Governor, one by the Chief Justice of the Supreme Court of the State of Texas and one by the presiding Justice of the Court of Criminal Appeals, such appointment to be with the advice and consent of two-thirds of the Senate present; and requiring the Board to keep records.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 11 of Article IV of the Constitution of the State of Texas be amended so as hereafter to read as follows:

"Sec. 11. In all criminal cases, except treason and impeachment, the Governor shall have the power, after conviction, upon the written signed recommendation and advice of two members of the Board of Pardons and Paroles, to grant reprieves and commutations of punishment and pardons; and under such rules as the Legislature may prescribe, and upon the written, signed recommendation and advice of two members of the Board of Pardons and Paroles, he shall have the power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant reprieves, commutations of punishment, and pardons in case of treason, and to this end he may respite a sentence therefor until the close of the succeeding session of the Legislature. He shall have the power to revoke paroles and conditional pardons.

There is hereby created a Board of Pardons and Paroles, which shall be composed of three members, each of whom shall hold office for a term of six years; provided that of the members of the first board appointed, one shall serve for two years, one for four years and one for six years from the first day of February, 1937, and they shall cast lots for their respective terms. One member of said board shall be appointed by the Governor, one member by the Chief Justice of the Supreme Court of Texas, and the third member by the Presiding Justice of the Court of Criminal Appeals; a vacancy in any membership of said Board shall be filled for the unexpired term by the officer who made the appointment to the term in which the vacancy occurs. The appointment of all members of said board shall be made with the advice and consent of two thirds of the Senate present, if made during the session of the Senate; appointments made during the recess of the Senate to fill vacancies on said board shall be nominated to the Senate during the first ten days of its session, and if the appointment is rejected, the office shall immediately become vacant. Where any appoint-

ment is rejected, the officer making the same shall without delay make further nominations to the Senate until confirmation takes place; but should there be no confirmation during the session of the Senate, the officer having the power of appointment shall not thereafter appoint any person to fill the vacancy who has been rejected by the Senate, but may appoint some other person to fill such vacancy.

The Legislature shall have power to regulate the procedure before the Board of Pardons and Paroles, and shall require it to keep records of its actions and the reasons therefor."

Sec. 2. The foregoing amendment to the Constitution of the State of Texas shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on..... At this election all voters favoring said amendment shall write or have printed on their ballot the following words:

"For the amendment of Article IV, Section 11, so as to create a Board of Pardons and Paroles and limit the power of the Governor to grant reprieves, commutations of punishment and pardons in those cases recommended by the Board of Pardons and Paroles; and giving the Governor, with the consent of the Senate, power to grant reprieves, commutations of punishment and pardons in case of treason."

Those voters opposing said proposed amendment shall write, or have printed, on their ballot the words:

"Against the amendment of Article IV, Section 11, so as to create a Board of Pardons and Paroles and limit the power of the Governor to grant reprieves, commutations of punishment and pardons in those cases recommended by the Board of Pardons and Paroles; and giving the Governor, with the consent of the Senate, power to grant reprieves, commutations of punishment and pardons in case of treason."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have same published as required by the Constitution and amendments thereto.

Sec. 4. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated to pay the expenses of said proclamation and holding said election.

Read and referred to the Committee on Constitutional Amendments.

Senate Bill No. 448.

Senator Hopkins moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed unanimously.

By Senator Hopkins:

S. B. No. 448, A bill to be entitled "An Act making an appropriation of Eight Thousand Five Hundred Seventy-five Dollars (\$8,575.00) for materials to repair and construct buildings and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Bill No. 449.

Senator Hill moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Burns.	Martin.
Fellbaum.	Shivers.
Hughston.	Stone.

By Senator Hill:

S. B. No. 449, A bill to be entitled "An Act defining certain words,

terms and phrases used for the purpose of this Act; prescribing certain rules, regulations, requirements and specifications pertaining to the use of equipment, tools, machinery, apparatus and all appurtenances thereto in the petroleum industry while engaged in the drilling, redrilling, production, refining, storing and distributing of petroleum and its products in the State of Texas and fixing certain requirements and rules designed to protect the lives and safety of the workmen employed in such industry; vesting the Bureau of Labor Statistics authority to administer and enforce the Act under direction of the commissioner of such bureau; fixing penalties for violation of the provisions hereof; declaring if any section, subsection or part of this Act shall ever be held to be unconstitutional or void by any court such holding shall not affect the remaining portion hereof, and declaring an emergency."

Read and referred to the Committee on Labor.

H. C. R. No. 35.

The Chair laid before the Senate H. C. R. No. 35:

By Mr. Cooper:

H. C. R. No. 35, Extending invitation to visit Texas Centennial.

Whereas, The State of Texas in 1936, will celebrate the one hundredth anniversary of Texas Independence with a Central Centennial Exposition, together with proper celebrations at its historic spots, which said celebrations will also include observance of this State's entry into the United States, and will depict not only the glories of the State's history, but also its wonderful development and its possibilities for the future; and,

Whereas, The Forty-fourth Legislature in its Regular Session desires to extend and does hereby extend in its behalf and in behalf of its entire citizenship a cordial and sincere invitation to the Hon. Franklin D. Roosevelt, President of the United States, and to Hon. John N. Garner, Vice-President of the United States, and to all members of the Congress of the United States, to attend these celebrations; now, therefore, be it

Resolved, That the House of Representatives of the Forty-fourth

Legislature, the Senate concurring, request the Texas Press Association on the occasion of the visit of its Texas Centennial special train to Washington during the last week of April, 1935, to deliver this invitation to the President, the Vice-President and to members of the Congress; and that said Texas Centennial special train of the Texas Press Association be officially designated as the official Centennial special train from Texas to visit the Southern States and the National Capitol to extend the above special and official invitations, and to also extend to the Governors and other public officials and to the people of all these States invitations to attend the Centennial celebrations in Texas in 1936.

Senator Small sent up the following amendment:

Amend H. C. R. No. 35, by adding after the phrase Vice-President of the United States the following:

"Members of the President's Cabinet, Foreign Ambassadors.

SMALL.

Read and adopted.

Senator Beck sent up the following amendment:

Amend H. C. R. No. 35, by adding: "Members of President's Cabinet, the Supreme Court and all Ambassadors and Ministers of all foreign countries.

BECK.

Read and adopted.

H. C. R. No. 35, as amended was adopted unanimously.

S. J. R. No. 3.

The Chair laid before the Senate S. J. R. No. 3, which had been set for special order.

At Ease.

On motion of Senator Woodruff the Senate stood at ease subject to the call of the Chair.

Senate Called to Order.

The Chair, Lieutenant Governor Walter F. Woodul, called the Senate to order at 3 o'clock p. m.

S. J. R. No. 3.

Senator Woodruff sent up the following amendment:

Amend S. J. R. No. 3, Sec. 2, by striking out the words "and providing for local option" where they appear conjointly.

WOODRUFF.

Read.

Motion to Table.

Senator Van Zandt moved to table the amendment.

A second reading was called for.

Senator Van Zandt withdrew his motion to table.

Motion to Table.

Senator Moore moved to table the amendment by Senator Woodruff.

The motion to table prevailed by viva voce vote.

Senator Hill sent up the following amendment:

Amend S. J. R. No. 3, by inserting the words: "first Tuesday after the first Monday in November, 1936," in lieu of the 24th day of August 1935.

HILL.

Read.

Motion to Table.

Senator Moore moved to table the amendment by Senator Hill.

The motion to table prevailed by the following vote:

Yeas—18.

Collie.	Neal.
Cotten.	Oneal.
Davis.	Rawlings.
Duggan.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.

Nays—6.

Beck.	Pace.
DeBerry.	Redditt.
Hill.	Woodruff.

Present—Not Voting.

Poage.

Absent.

Blackert.	Stone.
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Absent—Excused.

Burns.	Hughston.
Fellbaum.	Shivers.

Senator Moore moved the final passage of S. J. R. No. 3.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Burns.	Hughston.
Fellbaum.	Shivers.

At Ease.

Senator Hornsby asked unanimous consent that the Senate stand at ease to allow the Glee Club of College of Arts and Industries of Kingsville to render a few selections for the Senate.

Granted.

Senate Called to Order.

The Chair called the Senate to order at 3:30 o'clock p. m.

S. B. No. 170.

The Chair laid before the Senate.

By Senator Redditt:

S. B. No. 170, A bill to be entitled "An Act making appropriations for the support and maintenance of summer schools during the summer of the year 1935, at the several State institutions of higher learning in the State of Texas, authorizing the expenditure by said institutions of certain additional amounts from fees collected from summer school students, and declaring an emergency."

Committee Amendment No. 1.

Senator Redditt moved the adoption of Committee Amendment No. 1.

The motion prevailed by viva voce vote.

Vote Recorded.

Senator DeBerry requested to be

recorded as voting "no" on adoption of committee amendment.

The bill as amended passed to engrossment by viva voce vote.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 170 was put on its third reading and final passage by the following vote:

Yeas—21.

Beck.	Oneal.
Blackert.	Pace.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Small.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Nays—2.

Collie.	Davis.
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Absent.

Neal.	Stone.
Poage.	Sulak.

Absent—Excused.

Burns.	Hughston.
Fellbaum.	Shivers.

Read third time and finally passed by the following vote:

Yeas—16.

Beck.	Oneal.
Cotten.	Pace.
Duggan.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.
Neal.	Woodruff.

Nays—7.

Blackert.	Hill.
Collie.	Holbrook.
Davis.	Westerfeld.
DeBerry.	

Absent.

Poage.	Stone.
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Absent—Excused.

Burns.	Shivers.
Fellbaum.	Hughston.

Pair Recorded

Senator Van Zandt (present) who would vote yea, with Senator Sulak (absent) who would vote nay.

Motion to Reconsider.

Senator Redditt moved to reconsider the vote by which S. B. No. 170 finally passed and spread on the Journal.

H. B. No. 197.

Conference Report.

Senator Oneal sent up the Conference Report on H. B. No. 197 and moved the adoption of the report.

Substitute Motion.

Senator Sanderford moved as a substitute that the Conference Report on H. B. No. 197 be printed in the Journal.

The substitute motion prevailed by viva voce vote.

Committee Room,
Austin, Texas, March 11, 1935.
Hon. Walter F. Woodul, President of the Senate.
and

Hon. Coke Stephenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred

H. B. No. 197, have had the same under consideration, and we recommend to the House of Representatives and to the Senate that said bill pass in the form attached hereto.

Respectfully submitted,

MOFFETT,

HEAD,

JONES of Atascosa,

On the part of the House.

STONE,

REDDITT,

ONEAL,

WOODRUFF,

MARTIN,

One the part of the Senate.

By Moffett.

H. B. No. 197.

A BILL

To Be Entitled

An Act to promote and make practical the conservation and timely utilization of the natural resources of the State in compliance with the intent and command of Sec-

tion 59a, b, and c of Article XVI of the Constitution of the State of Texas, by creating a governmental agency to be known as "The Texas Planning Board"; and providing that said Board shall ascertain the amount of Federal or other funds available for expenditures for relief purposes, for rehabilitation, or other necessary and worthy purposes; and providing that it shall formulate a State program as a basis for a permanent and continuing State policy to promote sound conservation of all resources of this State, as well as for the promotion of the social and economic conditions of the citizens of this State; that it shall advise with the Governor and the Legislature or agencies of the United States concerning such program; limiting the powers of the Board and making its functions and duties purely advisory; providing that the Board shall have the services of all other offices, departments and agencies of the State Government and employees of institutions of higher learning, and making it the duty of such to render these services when so requested; providing that the Board shall have no power to interfere with the constitutional or statutory authority of any political subdivision of this State, or to interfere with loans or grants to any department or agency of the State Government or defined district thereof; providing for giving notice by the Board before making unfavorable reports; authorizing the Board to publish and distribute information concerning its recommendations; prohibiting it from accepting contributions from persons, firms or corporations and from expending public funds for educational campaigns; limiting the Board's authority to enter upon private property; providing that the Board shall require sworn statements from applicants, agents or attorneys, setting forth amount of promotional, legal and technical fees or other compensation paid or to be paid to such agents, attorneys, engineers, architects or other persons; and requiring the Board in its report to set forth the amount of such fees or compensation and

to make recommendation as to whether same are just and fair; providing that said Board shall terminate four (4) years from the effective date of this Act; that it shall consist of nine (9) members who shall serve without compensation, three (3) of whom shall be the State Highway Engineer, the Chairman of the Board of Water Engineers and the Secretary of State, respectively of the State of Texas, and six (6) of whom shall be appointed by the Governor, one of whom shall be experienced in agriculture, one to represent Labor and one familiar with reforestation; providing for the establishment, government and procedures of the Board; providing for the qualification of the members of the Board; for the officers of the Board and their terms of office; providing for the meetings of the Board and the place of meetings; defining a quorum; requiring the adoption of rules and regulations for transaction of business; and the keeping of the record of its proceedings; the appointment of employees; and for contracting for technical services and the acceptance of funds which may be available for the use of the Board; providing for payment of actual expenses incurred by members of the Board in the discharge of official duties; requiring the Board and each member to file a sworn itemized statement of their expenditures with the Legislature and the Governor each biennium; making an appropriation; providing if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. This enactment is in response to the commands of Section 59 a, b, and c, of Article XVI of the Constitution of Texas, to the Legislature to pass all such laws as may be appropriate to proper conservation and development of all of the natural resources of this State, including the control, storage, preservation and distribution of storm and flood waters, water of its rivers and streams for irrigation, power and all other useful purposes, the reclamation and irrigation of its

arid, semi-arid, and other lands needing irrigation, the prevention of soil erosion, the reclamation of its overflowed lands needing drainage, the conservation and development of its forests, water, and hydro-electric power, the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State, and further for the purpose of advising and suggesting ways and means whereby any funds allocated by the Government of the United States of America, or its duly constituted agencies, to the State of Texas, or to its political subdivisions, may be judiciously and wisely expended for any of the foregoing purposes, and for the further purpose of improving the social and economic condition of the citizens of this State. In order to effect these expressed intents, provision is made as hereinafter set forth.

Sec. 2. A Board is hereby created and established which shall be known as "The Texas Planning Board," and which shall expire four years from the effective date of this Act. Said Board shall consist of nine (9) members, three (3) of whom shall be the State Highway Engineer, the Chairman of the Board of Water Engineers, and the Secretary of State, respectively, of the State of Texas, and their successors in office who shall serve until the expiration of said Board, and who shall be ex-officio members thereof, with the same powers, privileges and duties of other members thereof. The Governor of the State of Texas, by and with the advice and consent of the Senate, shall appoint the other members of said Board, three (3) of whom shall serve for a term of two (2) years, and three (3) for a terms of four (4) years, from the effective date of this Act. The Governor shall designate one member of the Board Chairman thereof, and shall also fill any vacancies that may occur, as they occur. Each member of said Board, except ex-officio members who are already under Constitutional oath, shall qualify for the duties of his office by taking the oath as is required by the Constitution of the State of Texas.

There shall be at least one member appointed by the Governor who is experienced in agriculture, one to

represent labor, and one familiar with reforestation problems of this State.

Any State officer or employee is eligible for membership on said Board; and any State officer or employee so appointed shall serve ex-officio and as to such officer or employee this Act shall not be construed as creating a separate office.

Sec. 3. The Board, at its first meeting, shall select a vice-chairman who shall service for a term of two and all successors shall be selected in like manner and serve for like terms; the Secretary of State of the State of Texas shall be ex-officio Secretary of the Board. The Secretary shall make and keep an accurate record of the proceedings of said Board, which record shall be kept in the office of the Secretary of State and be open for public inspection at all times. When said Board shall expire by operation of law, all papers, documents, and records pertaining to its official actions shall be placed in a file for that purpose to be kept in the office of the Secretary of State as a part of the permanent official records of the State of Texas.

Sec. 4. The Board shall have its office and principal place of business in Austin, Texas, where its meetings shall be held, unless it directs otherwise for specific occasions, and it shall meet then when called by order of the Chairman, Vice-Chairman, or by a majority of its members; provided, however, that the Board shall fix, by order entered in the minutes of its proceedings, specified times for its regular meetings, and a quorum to transact business at any meeting shall consist of not less than five (5) members actually present. The Board shall adopt such rules, regulations and by-laws as it may deem necessary for the orderly transaction of its business and shall keep a record of its proceedings in book form, and all hearings of said Board shall be open to the public.

The Board may employ such clerical and technical services of other persons as it may deem necessary, and may incur and pay such additional expenses as are necessary in the discharge of its duties, within the appropriations which the Legis-

lature from time to time may make for its use.

The Board is hereby authorized and empowered to accept and expend any funds which may be made available to it from Federal or other sources, the expenditure of any such fund or funds being only for research, investigation and/or administrative purposes of said Board. Provided that neither said Board nor any member thereof shall have any pecuniary interest in any project now in course of construction or that have heretofore been approved, and shall not have any authority to make recommendations concerning the same; provided further that in the event any member of said Board shall have any pecuniary interest in any project hereafter to be approved, said member shall not vote upon said project; and provided further that no member of said Board or employee thereof shall be interested, directly or indirectly, in any contract of construction or in any other manner in any project pending before the Board.

Sec. 5. No member of the Board shall receive compensation for his services, but each shall be entitled to his actual and necessary expenses incident to the discharge of the duties of his office, and every expense account shall be approved by the Board before same is paid. Payment of expense accounts shall be upon itemized statement sworn to by the member incurring same; payment of expenses of the Board shall be upon an itemized account of its Secretary certified to under oath as being true and correct; payment of salaries and expenses of employees shall be upon sworn account of the person to whom same is payable; and the Secretary shall prepare and file with the Governor, the Speaker of the House of Representatives and the President of the Senate, within fifteen (15) days after the convening of any regular session of the Legislature a report of expenditures itemized, including expenditures of the several members of the Board, as well as of the Board itself.

An itemized statement of the expenditures of the Board shall be made up monthly by its Secretary, filed in his office, and be open for public inspection at all times.

Sec. 6. The Texas Planning Board

shall be charged with the duty of ascertaining from time to time and as early as practicable the amount of funds allocated, or to be allocated, by the various agencies of the Federal Government to the State of Texas, the purpose or purposes for which same is to be expended, and shall formulate a comprehensive state program for the constructive expenditure thereof for the alleviation of suffering and want of the citizens as a result of unemployment conditions, and for the rehabilitation of worthy indigent families, of this State, taking into immediate consideration, in this connection, the amount of Federal, State and/or private funds available, or to become available, for such purposes; it shall also take into consideration the various resources of this State, natural or otherwise, and how these may best be utilized and conserved for the benefit of present and future generations, and from such consideration formulate such program as a basis upon which may be predicated a permanent and continuing state policy with reference to sound conservation of all resources of this State, as well as for the betterment of the social and economic conditions of the citizens thereof. When requested by either therefor, it shall advise the Governor, the Legislature of the State of Texas, and/or the United States Government of America or its duly constituted agencies, concerning such program, and it shall be without power to effectuate its said program, or any part of same, or to direct the expenditure of any public fund or funds for such purpose, the functions and duties of said Board being hereby expressly restricted solely to the giving or making of the aforesaid advisory reports and/or recommendations.

In connection with the foregoing powers and duties of said Board it shall, when deemed necessary, have the services of any and all other officers, departments, and agencies of the State Government, including employees of institutions of higher learning, and it shall be the duty of such officers, departments, agencies and institutions to render such service when so requested; provided further that all expenses incident to such service, other than salaries of such officers, or of employees of

such departments, agencies and institutions shall be paid out of appropriations which the Legislature shall from time to time make to defray the expenses of the Board.

The Board shall have no power to interfere with the constitutional or statutory authority and/or operation of any municipality or political subdivision of this State. It shall not interfere with loans and/or grants to any department or agency of the State Government, or to any municipal, defined district, or other political subdivision of this State. Before the aforesaid Board may make any unfavorable advisory report or recommendation as hereinbefore contemplated which shall affect any officer, department or agency of the State Government, or municipal, defined district, or other political subdivision of the State, it shall give notice thereof to such officer, or to the head of such department or agency of the State Government or municipal, defined district, or other political subdivision. Said notice shall state the nature of the project or plan proposed, the time (not less than ten (10) days from the date of the notice) and place where a public hearing will be held upon the matter and such hearing shall be openly had with an opportunity afforded to every affected person who desires such to be heard with reference thereto.

The Board is authorized to publish and distribute to the public information concerning its recommendations, made or to be made; provided, however, it shall not accept contributions from any person, firm or corporation, public or private, nor expend public funds, to carry on any publicity or educational campaign. It may confer with public or private agencies with reference to matters pertaining to its duties.

No member, officer, employee, or agent of said Board, in the performance of his duties as such, shall enter upon, make examination or survey of, or place and maintain any monument or mark upon any private property, without the consent of the owner thereof.

Sec. 7. In connection with the consideration of an advisory report, or recommendation, upon any particular project, improvement or activity, the Board shall require a sworn statement of such applicant,

its agent or attorney, setting forth in detail the amount of promotional, legal and/or technical fee or other compensation paid, or agreed to be paid, by such applicant to any promoting agent, attorney, engineer, architect or other person for the making or giving of any legal, technical, or other opinion, map or maps, plat, plan or specifications, in connection with the making of the application for or with the completion of, said project. Any advisory report or recommendation given by said Board shall set forth the amount of the foregoing fee or compensation and shall contain a recommendation by said Board as to whether the same is just, fair, and reasonable compensation for such promotional, legal, or other technical services, when paid or to be paid out of any public fund.

Sec. 8. There is hereby appropriated out of the general fund of the State of Texas, not otherwise appropriated, the sum of Twelve Thousand Dollars (\$12,000.00), or so much thereof as shall be necessary to be expended for the fiscal year ending August 31, 1935, to be used in defraying the necessary expenses of The Texas Planning Board in carrying out the provisions of this Act. No employee of said Board shall be paid a salary or other compensation for services under authority of said Board in excess of the salary or compensation paid to employees of other departments of the State Government, rendering the same or similar services. No expense of a member or employee shall be chargeable to or paid by said Board unless same shall have been approved by formal action of the Board.

Sec. 9. If any clause, provision, section or part of this Act shall be adjudged by any court of competent jurisdiction to be invalid such judgment shall not invalidate any other term or provision hereof and the Legislature hereby declares its intention to enact each and every clause, requirement, provision and part hereof independently of any such part so invalidated.

Sec. 10. The absence of any adequate law providing for a Texas Planning Board to prepare a comprehensive plan and program for the development and conservation of the natural or other resources and

for the betterment of the social and economic conditions of its citizens, creates an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is, hereby suspended, and this Act shall take effect from and after the date of its passage, and it is so enacted.

Bill and Resolution Referred.

H. B. No. 257 was referred to the Committee on Agriculture

H. C. R. No. 36, was referred to the Committee on State Institutions and Departments.

Adjournment.

On motion of Senator Small the Senate at 4:20 o'clock p. m., adjourned until 10 o'clock a. m., Wednesday.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin Texas, March 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 3 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

THIRTY-NINTH DAY.

Senate Chamber,
Austin, Texas,
March 13, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Moore.
Blackert.	Neal.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Martin.	Sulak.